



Serial No. 09/548,104
WJL.051

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent application of :

Knut Beekman et al. :

Serial No. 09/548,104 ✓

Group Art Unit 2823

Examiner M. Estrada

Filed April 12, 2000 :

A METHOD OF DEPOSITING A LAYER

RESPONSE

Honorable Commissioner For Patents
Washington, D.C. 20231

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Sir:

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In response to the Office Action dated June 14, 2001, Applicants elect the "first species" identified by the Examiner, i.e., "depositing a metallic layer and modifying the crystal structure with hydrogen by treating insulator prior to deposition."

The election is with traverse.

Applicants respectfully traverse the rejection on the grounds that the first through fourth "species" identified by the Examiner are not mutually exclusive, and therefore are not properly identifiable as species. See, for example, M.P.E.P. §806.04(f).

In particular, the Examiner has alleged that the application includes four (4) distinct species of the invention as follows:

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- Species 1 -- depositing a metallic layer and modifying the crystal structure with hydrogen by treating insulator prior to deposition;
- Species 2 -- depositing aluminum nitride and modifying the crystal structure with hydrogen by treating insulator prior to deposition;
- Species 3 -- sputtering metal in hydrogen containing atmosphere;
- Species 4 -- sputtering aluminum nitride in hydrogen containing atmosphere;

However, since aluminum nitride is an example of a metallic layer (see, for example, dependent Claim 5 which depends from Claim 1), Species 1 is not mutually exclusive of Species 2. Likewise, it is not seen how Species 4 is considered to be mutually exclusive of Species 3.

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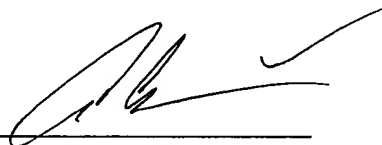
For at least these reasons, the election of species requirement is not understood.

Subject to this caveat, and subject to the above traversal, the Applicant's accept the Examiner indication that Claims 1-4, 6-10, 11, 15 and 16 are generic and therefore readable on the elected "species."

Respectfully submitted,

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By:



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July 16, 2001

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